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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,041	03/30/2001	Francois Gugumus	A-22181/US/A	1010
324	7590	10/09/2003	EXAMINER	
CIBA SPECIALTY CHEMICALS CORPORATION			YOON, TAE H	
PATENT DEPARTMENT				
540 WHITE PLAINS RD			ART UNIT	
P O BOX 2005			PAPER NUMBER	
TARRYTOWN, NY 10591-9005			1714	

DATE MAILED: 10/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/823,041	Applicant(s) GUGUMUS, FRANCOIS	
	Examiner Tae H Yoon	Art Unit 1714	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:


Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1 and 3-14.

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____


 Tae H Yoon
 Primary Examiner
 Art Unit: 1714

ATTACHMENT TO ADVISORY ACTION

The proposed claims raise new issues that would require at least further consideration and/or search. For example, claim 1, a) now recites a particular combination of a hydroxybenzophenone (formula I) and a 2-hydroxyphenylbenzotriazole (formula IIa) which is a classical method of narrowing the scope of the claims after Final rejection which will not be entered. Also, many definitions for radicals are changed. For example, R_1 for the formula (IIa) is narrowed.

With respect to the rejection based on JP 9193322 (anticipation), applicant asserts that polyethylenes made from a Phillips catalyst and Metallocene catalyst are different from each other since the removal of catalyst residues is not required from polyethylenes of Metallocene catalyst. However, the presence or absence of such impurity (Cr catalyst residues) is immaterial with respect to the property of polyethylene. Applicant points to the attached articles for different feature of the polymers. However, the instant claim does not recite particular properties gained from said Phillips catalyst other than a high density, and the Fig. 2 in the article by Melaeen shows the almost identical fluff morphology (particle size distribution) of Cr-HD and SSC-2. Thus, applicant statement has little probative value.

With respect to the other rejection based on the combination of the prior art, the use of a mixture of any UV absorber and/or stabilizer in a polymeric system in order to provide a stability and antioxidant properties is a routine practice, and applicant failed to

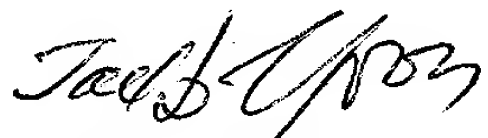
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show any unexpected result such as synergism. The teaching of the prior art is on the whole disclosure, not on the working example only, and the polyethylene taught by the prior art encompasses one obtained from any catalyst system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tae H Yoon whose telephone number is (703) 308-2389. The examiner can normally be reached on Mon-Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (703) 306-2777. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


Tae H Yoon
Primary Examiner
Art Unit 1714

THY/October 3, 2003